

**FILED**

SEP - 7 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND1 MELINDA HAAG (CABN 132612)  
United States Attorney2 MIRANDA KANE (CABN 150630)  
3 Chief, Criminal Division4 HARTLEY M. K. WEST (CABN 191609)  
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8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 TUSHAR TAMBE,

17 Defendant.  
1813 No. <sup>4-</sup>CR 11-70369 MAG[PROPOSED] ORDER EXCLUDING  
TIME FROM SEPTEMBER 2, 2011, TO  
OCTOBER 11, 2011, AND CONTINUING  
APPEARANCE FROM SEPTEMBER 9,  
2011, TO OCTOBER 11, 2011  
[REDACTED]

19 The defendant, TUSHAR TAMBE, and the government, represented by HARTLEY M.  
20 K. WEST, Assistant United States Attorney, appeared before the Court on September 2, 2011,  
21 for a status hearing. Defense counsel Kenneth McGuire was not present. The government  
22 represented that the parties were very close to being prepared for filing an Information, and  
23 requested a one-week continuance to September 9, 2011, for the government to effectively  
24 prepare. The matter was continued to September 9, 2011, at 9:30 a.m. for arraignment on an  
25 Information or to set further proceedings. McGuire has since advised government counsel that  
26 he is unavailable until October 11, 2011. Accordingly the parties jointly request that the matter  
27 be continued from September 9, 2011, to October 11, 2011, for arraignment on an Information  
28 and waiver of indictment.

ORDER EXCLUDING TIME  
4 CR 11-70369 MAG

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1 and waiver of indictment.

2 Based upon the representation of counsel and for good cause shown, the Court finds that  
 3 failing to exclude the time between September 2, 2011, and October 11, 2011, would  
 4 unreasonably deny defendant continuity of counsel and would unreasonably deny both counsel  
 5 the reasonable time necessary for effective preparation, taking into account the exercise of due  
 6 diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served  
 7 by excluding the time between September 2, 2011, and October 11, 2011, from computation  
 8 under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy  
 9 trial. Therefore, IT IS HEREBY ORDERED that the time between September 2, 2011, and  
 10 October 11, 2011, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
 11 § 3161(h)(7)(A) and (B)(iv), and under Federal Rule of Criminal Procedure 5.1.

12  
 13  
 14 DATED: 9/7/11

  
 DONNA M. RYU  
 United States Magistrate Judge

15  
 16  
 17 APPROVED AS TO FORM:

18   
 19 KENNETH MCGUIRE  
 20 Counsel for Defendant,  
 Tushar Tambe

21   
 22 HARTLEY M. K. WEST  
 23 Assistant U.S. Attorney

24  
 25  
 26  
 27  
 28  
 ORDER EXCLUDING TIME  
 CR 11-70369 MAG

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

U.S.A.,

Plaintiff,

v.

TUSHAR TAMBE,

Defendant.

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Case Number: 4-11-70369-MAG

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

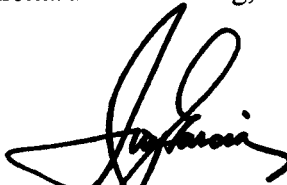
That on September 8, 2011, I SERVED a true and correct copy of the Order Excluding Time from September 2, 2011 to October 11, 2011, and Continuing Appearance from September 9, 2011 to October 11, 2011, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

Hartley M.K. West  
Assistant U.S. Attorney  
450 Golden Gate Avenue, Box 36055  
San Francisco, CA 9402

Kenneth William McGuire  
McGuire Law Firm  
P.O. Box 246  
Pt. Reyes, CA 94956

Dated: September 8, 2011

Richard W. Wieking, Clerk

  
By: Ivy Garcia, Deputy Clerk